

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB701)

Received: **03/05/2010**

Received By: **tdodge**

Wanted: **As time permits**

Identical to LRB:

For: **David Cullen (608) 267-9836**

By/Representing: **Ritch Williams**

This file may be shown to any legislator: **NO**

Drafter: **tdodge**

May Contact:

Addl. Drafters:

Subject: **Insurance - miscellaneous**

Extra Copies: **PJK**

Submit via email: **YES**

Requester's email: **Rep.Cullen@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Special deputy commissioner

Instructions:

See attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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/?	tdodge	/ 1 js 3/9 10		_____ _____			

FE Sent For:

<END>

Dodge, Tamara

From: Guidry, Jim R - OCI [Jim.Guidry@wisconsin.gov]
Sent: Friday, March 05, 2010 4:39 PM
To: Dodge, Tamara
Subject: FW: OCI Tech Bill amendment

Tami,

See Fred's note below. It is ok to use the term Commissioner instead of rehabilitator. Fred said he did not want to change the current statutory term.

Jim Guidry
Legislative Liaison/Public Information
Office of the Commissioner of Insurance
(608) 264-6239 Work
(608) 209-6309 Mobile

From: Nepple, Fred - OCI
Sent: Friday, March 05, 2010 2:04 PM
To: Guidry, Jim R - OCI
Subject: RE: OCI Tech Bill amendment

See below

Fred Nepple, General Counsel
Fred.Nepple@oci.state.wi.us
Ph: (608)266-7726 FAX: (608)264-6228
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From: Dodge, Tamara [mailto:Tamara.Dodge@legis.wisconsin.gov]
Sent: Friday, March 05, 2010 1:46 PM
To: Guidry, Jim R - OCI
Cc: Williams, Ritch - LEGIS
Subject: FW: OCI Tech Bill amendment

Jim,

There seems to be a problem with the amendment to s. 645.33. The sentences that are requested to be removed are

3/8/2010

the only implication that the rehabilitator is allowed (or required?) to appoint a special deputy commissioner. The last sentence of that provision directs when the special deputy's term ends not how it begins. (See s. 645.46 (1) for an example of this.) As amended, I don't see how the rehabilitator would have the authority to appoint a special deputy.

The fix to this is easy. I can just add a sentence that says "The rehabilitator may (or shall?) appoint a special deputy commissioner." I just need to know whether the rehabilitator is required to appoint a special deputy or allowed to appoint a special deputy. OK, use MAY

Also, is it intentional that the name "special deputy commissioner" changed to "special deputy rehabilitator." SEPCIAL DEPUTY COMMISSIONER If so, I have to change other instances of "special deputy commissioner" to "special deputy rehabilitator."

Tami

Tamara J. Dodge

Attorney

Wisconsin Legislative Reference Bureau

P.O. Box 2037

Madison, WI 53701-2037

(608) 267 - 7380

tamara.dodge@legis.wisconsin.gov

From: Guidry, Jim R - OCI [mailto:Jim.Guidry@wisconsin.gov]

Sent: Friday, March 05, 2010 11:05 AM

To: Williams, Ritch; Peterson, Eric

Subject: OCI Tech Bill amendment

Ritch, Eric;

We have one additional amendment to the technical bill (SB 516/AB 701) that we need to have put in. I can speak with you about it if need be. The specific language is below. It is additional language and does not make any changes to existing language in the bill.

Thanks and sorry for any inconveniences.

Jim Guidry

Legislative Liaison/Public Information

Office of the Commissioner of Insurance

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From: Nepple, Fred - OCI

Sent: Friday, March 05, 2010 10:35 AM

To: Guidry, Jim R - OCI

Cc: Dilweg, Sean - OCI

Subject: Amendment

645.33 (1) **Special deputy commissioner.** ~~The rehabilitator shall make every reasonable effort to employ an active or retired senior executive from a successful insurer to serve as special deputy commissioner to rehabilitate the insurer.~~ The special deputy rehabilitator shall have all of the powers of the rehabilitator granted under this section. ~~To obtain a suitable special deputy, the commissioner may consult with and obtain the assistance and advice of executives of insurers doing business in this state.~~ Subject to court approval, the rehabilitator shall make such arrangements for compensation as are necessary to obtain a special deputy of proven ability. The special deputy shall serve at the pleasure of the rehabilitator.

3/8/2010

Explanation:

This amendment makes it clear the commissioner has the discretion to select the most appropriate person for the position of special deputy rehabilitator, without being constrained to by the suggestion that the commissioner conduct an undefined evaluation of whether an active or retired senior executive is the appropriate selection. The commissioner will consider all alternatives under the unique circumstances of a particular proceeding.

Fred Nepple, General Counsel

Fred.Nepple@oci.state.wi.us

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Wisconsin Office of the Commissioner of Ins <http://oci.wi.gov>

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State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1771 De
TJD: f.....
Lys
RmNR

Tuesday
3/9/10
In: 3/8/10 if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 701

bill intro

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 3: after "requirements," insert "appointment of special deputy
3 commissioner to rehabilitate an insurer,".

4 2. Page 15, line 15: after that line insert:

5 "SECTION 34p. 645.33 (1) of the statutes is amended to read:

6 645.33 (1) SPECIAL DEPUTY COMMISSIONER. The rehabilitator ~~shall make every~~
7 ~~reasonable effort to employ an active or retired senior executive from a successful~~
8 ~~insurer to serve as~~ may appoint a special deputy commissioner to rehabilitate the
9 insurer. The special deputy commissioner shall have all of the powers of the
10 rehabilitator granted under this section. ~~To obtain a suitable special deputy, the~~
11 ~~commissioner may consult with and obtain the assistance and advice of executives~~
12 ~~of insurers doing business in this state.~~ Subject to court approval, the rehabilitator

x
x

1 shall make such arrangements for compensation as are necessary to obtain a special
2 deputy commissioner of proven ability. The special deputy commissioner shall serve
3 at the pleasure of the rehabilitator.” ✓

History: 1979 c. 93, 102.

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(END)